

Remarks

Applicants respectfully request reconsideration of the present Application. A request for continued examination has been file contemporaneously with this amendment. Claims 1, 6-10, 12-13, 15, 24-28, 30-32, 34-40, 42, 45, 47-48, 53-55, 59-64, and 66-67 have been amended herein. Care has been exercised to introduce no new matter. Claims 1, 3-32, 34-64, and 66-67 are pending and are in condition for allowance.

Rejections based on 35 U.S.C. § 102(e)

A) Applicable Authority

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdeggal Brothers v. Union Oil Co. of California*, 814 F.2d, 628,631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the . . . claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 2 USPQ2d 1913, 1920 (Fed. Cir. 1989). *See also*, MPEP § 2131.

B) Alexander, U.S. Patent No. 6,177,931, fails to disclose each and every limitation of amended claims 1 and 34 and fails to support a rejection under 35 U.S.C. § 102(e)

In the Office Action, claims 1-15, 17-20, 27-32, 34-47, 49-52 and 58-64 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,177,931 to Alexander¹ (hereinafter the “Alexander” reference). As the Alexander reference fails to describe, either expressly or inherently, each and every element recited in independent claims 1

¹ Applicants note that the Office Action erroneously listed the first named inventor as Alexandria. Applicants assume this was a simple oversight and welcome correction if they are mistaken.

and 34, as amended herein, Applicants respectfully traverse this rejection, as hereinafter set forth.

Independent claim 1 is generally directed to a system for reporting determined relationships in at least one network device. The system includes at least one network device. The system further includes a life-cycle manager server. The life-cycle manager server collects event data pertaining to the at least one network device and determines: (i) which promotion is displayed on the at least one network device, and (ii) a relationship between the collected event data and displaying the promotion. The determined relationship represents an effect of displaying the promotion on a viewer. The system also includes a device history database. The device history database summarizes and aggregates the collected event data thereby creating summarized and aggregated event data. The system further includes a reporting tools database. The reporting tools database organizes the summarized and aggregated event data in a structure that facilitates publication, generation, or distribution thereby creating organized event data. The system still further includes a normalizing component. The normalizing component combines the organized event data with external data provided by different vendors or commercial services and normalizes the combined organized event data and external data thereby creating normalized event data. The system also includes a data warehouse. The data warehouse collects the normalized event data. The system also includes a user interface for inquiring about the determined relationship between the normalized event data and displaying the promotion.

Independent claim 34 is generally directed to a method for reporting determined relationships of a network device. The method includes collecting event data pertaining to the network device. The method also includes determining: (i) which promotion is displayed on the network device and (ii) a relationship between the collected event data and displaying the promotion. The determined relationship represents an effect of displaying the promotion on a viewer. The method further includes summarizing and aggregating the collected event data. The collected event data becomes summarized and aggregated event data. The method still further includes organizing the summarized and aggregated event data in a structure that facilitates publication, generation, or distribution of the event data. The summarized and aggregated event data becomes organized event data. The method also includes combining the organized event data with external data. The organized event data becomes combined event data. The method also includes normalizing the combined event data and external data. The combined event data becomes normalized event data. The method also includes providing a user interface for inquiring about the determined relationship between the normalized event data and displaying the promotion.

In contrast, the Alexander reference discloses an electronic programming guide that permits many new and/or improved features for the same. Alexander, Abstract. As detailed in the interview, however, Alexander fails to disclose, at least, the “normalizing component” of amended independent claim 1. Similarly, Alexander fails to disclose, at least, the “normalizing” step of amended independent claim 34. On the contrary, as detailed in the interview, Alexander simply fails to disclose at least these limitations. Thus, Applicants submit that Alexander fails to support a rejection under 35 U.S.C. § 102(e), and Applicants respectfully request withdrawal of these rejections.

Similarly, each of claims 6-10, 12-13, 15, 24-28, 30-32, 35-40, 42, 45, 48, 53-55, 59-64, and 66-67 depend, either directly or indirectly, from allowable independent claims 1 and 34. Further, these claims further recite other novel and nonobvious features neither taught nor suggested by the cited references in the context of these claims. As such, Applicants submit these claims are also in a condition of allowance, by virtue of their dependency on allowable independent claims. *See, e.g.*, MPEP § 2143.03

Rejections based on 35 U.S.C. § 103(a)

A) Applicable Authority

To sustain a rejection of a claim under 35 U.S.C. § 103(a), the Examiner must find that a preponderance of the evidence supports a finding of obviousness. The Examiner bears the initial burden of showing that the reference teachings establish a *prima facie* case of obviousness. “In view of all factual information, the examiner must . . . make a determination whether the claimed invention ‘as a whole’ would have been obvious at that time to that person.” MPEP § 2142 (explaining that “[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious”). In making that determination, the Examiner must consider every word in each claim. *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Recently, the Supreme Court indicated that “it will be necessary for [the Office] to look at interrelated teachings of multiple [prior art references]; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by [one of] ordinary skill in the art . . . to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the [patent application].” *KSR v. Teleflex*, 127 S. Ct. 1727 (2007). However, if the references do not “expressly or impliedly

suggest the claimed invention,” the examiner must present “a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.” MPEP § 706.02(j) and § 2142, quoting *Ex parte Clapp*, 227 USPQ 972, 972 (Bd. Pat. App. & Inter. 1985).

B) Alexander in view of U.S. Patent No. 6,698,020 to Zigmond fails to support a rejection under 35 U.S.C. § 103(a)

In the Office Action, claims 16, 21-26, 48, 53-57 and 66-67 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Alexander reference in view of U.S. Patent No. 6,698,020 to Zigmond. As the asserted combination of references fail to teach or suggest all of the limitations of the rejected claims, Applicants respectfully traverse these rejections, as hereinafter set forth.

Claims 16, 21-26, 48, 53-57 and 66-67 depend, either directly or indirectly, from one of independent claims 1 or 34, which claims were discussed hereinabove. As previously set forth, Alexander fails to describe each and every element of claims 1 and 34 and, accordingly, fails to teach or suggest all of the limitations of claims 16, 21-26, 48, 53-57 and 66-67 for at least the above-cited reasons. Further, it is respectfully submitted that Zigmond fails to cure the stated deficiencies of Alexander. Rather, Zigmond a system and method for selecting and inserting advertisements into a video programming feed at a household level. *See*, Zigmond, Abstract. It is respectfully submitted, however, that Zigmond fails to teach or suggest those features of amended independent claims 1 and 34 stated above to be deficient with regard to the Alexander reference.

Each of claims 16, 21-26, 48, 53-57 and 66-67 depend, either directly or indirectly, from amended independent claims 1 or 34, and are therefore patentable over the Alexander and Zigmond references for at least the reasons cited above. Moreover, 16, 21-26, 48,

53-57 and 66-67 recite further novel and non-obvious features neither taught nor suggested in the cited references in the context of these claims. Accordingly, Applicant respectfully requests withdrawal of the § 103(a) rejections of claims 16, 21-26, 48, 53-57 and 66-67. Claims 16, 21-26, 48, 53-57 and 66-67 are believed to be in condition for allowance, and such favorable action is respectfully requested.

CONCLUSION

For at least the reasons stated above, claims 1, 6-10, 12-13, 15, 24-28, 30-32, 34-40, 42, 45, 48, 53-55, 59-64, and 66-67 are now in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and allowance of the claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned – 816-474-6550 or ahankel@shb.com (such communication via email is herein expressly granted) – to resolve the same. Other than the \$1,110.00 extension fee discussed above, it is believed that no fee is due. However, the Commissioner is hereby authorized to charge any amount required to Deposit Account No. 19-2112.

Respectfully submitted,

/s/ Aaron E. Hankel /

Aaron E. Hankel
Reg. No. 60,663

TLW/AEHX/bp
SHOOK, HARDY & BACON L.L.P.
2555 Grand Blvd.
Kansas City, MO 64108-2613 n
816-474-6550